

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JASON R. TEAGLE,

Plaintiff,

v.

No. 05-CV-701
(GLS/DRH)

THE UNITED STATES OF AMERICA,

Defendants.

**DAVID R. HOMER
U.S. MAGISTRATE JUDGE**

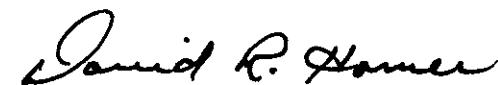
REPORT-RECOMMENDATION AND ORDER

The complaint in the above referenced case was filed in this district on June 6, 2005. Docket No. 1. Under Fed. R. Civ. P. 4(m), service of process on the defendant was required to be completed within 120 days, or October 5, 2005. See also N.D.N.Y.L.R. 4.1(b). No proof of service has been filed as to any defendant and no representative of plaintiff appeared at the adjourned date of the conference on November 21, 2005 scheduled pursuant to fed. R. Civ. P. 16. Accordingly, it is hereby

RECOMMENDED that the complaint be dismissed without prejudice in accordance with Fed. R. Civ. P. 4(m) and N.D.N.Y.L.R. 4.1(b).

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court. **FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE APPELLATE REVIEW.** Roldan v. Racette, 984 F.2d 85 (2d Cir. 1993)(citing Small v. Secretary of HHS, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

DATED: November 21, 2005
Albany, New York


David R. Homer
UNITED STATES MAGISTRATE JUDGE